

**REMARKS**

By this amendment, claims 6, 7, 15 and 16 have been canceled. Therefore, on entering this amendment, claims 1-5, 8-14 and 17 are all the claims pending in the application.

Claims 1-11 and 14-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vardi (US 6,831,632) in view of Sato (US 5,949,407).

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Vardi in view of Sato as applied to claim 1 and further in view of Williams (US 6,956,564).

Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Vardi in view of Sato as applied to claim 1 and further in view of Schiller, et al (US 6,577,299).

The Applicants traverse the rejections and request reconsideration.

***Rejection of claims 1-11 and 14-17 based on Vardi and Sato***

The present inventions (as recited in amended claim 1) requires a data storage unit that includes command codes corresponding to plural devices and information stored corresponding to specific motion information on each device. The combined teachings of Vardi and Sato do not suggest the inventive combination including the data storage unit that includes command codes corresponding to plural devices.

In addition, according to amended claim 1, the control unit changes modes to control a specific controlled device if motion information selecting the specific controlled device from the plurality of devices is selected, then transfers a specific command code to the controlled device under the control of the changed modes. The combined teachings of Vardi and Sato do not suggest these features.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2142 citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The “all limitations” prong of the three prong test for obviousness must fail because of the above noted differences between present invention and the combined teachings of Vardi and Sato. Since all the limitations are not suggested, the motivation prong of the three prong test must also fail. Therefore, the Examiner has not established *prima facie* obviousness of the present invention from the combined teachings of Vardi and Sato.

Claims 2-5 and 8-11 are dependent on claim 1 and should be allowable at least for the same reasons.

Claim 14 includes limitations analogous to claim 1. Therefore, the arguments discussed above are analogously valid.

Claim 17 is dependent on claim 14 and should be allowable at least for the same reasons.

Rejection of claim 12 under 35 U.S.C. 103(a) based on Vardi, Sato and Williams

Claim 12 is dependent on claim 1, and is allowable at least for the same reasons. Further Williams does not overcome the deficiencies noted above in relation to claim 1.

Specifically, Williams is related to a portable computer displaying information as a perceived motion. However, Williams does not include a structure corresponding to the transmission unit of the present invention, which transmits the command code corresponding to each motion to another controlled device.

Rejection of claim 13 under 35 U.S.C. 103(a) based on Vardi, Sato and Schiller et al.

Claim 13 is dependent on claim 1, and is allowable at least for the same reasons. Further Schiller does not overcome the deficiencies noted above in relation to claim 1.

Further, Schiller does not suggest detecting relative motion changes using distance changes between a cap and a pen.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



---

Chid S. Iyer  
Registration No. 43,355

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060

Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: August 30, 2006